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FACSIMILE COVER PAGE

DATE: September 26, 2005
TO: Examiner Hieu Phan
FAX NUMBER: (571) 273-8300
RE: Serial No. 09/938,882
Docket: 5770.CD2C.2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mark Plaia, et al.

Serial No.: 09/938,882

Filed: August 24, 2001

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED
ARTERIES

Docket No. 5770.CD2C.2

Art Unit: 3738

Examiner: Hieu Phan

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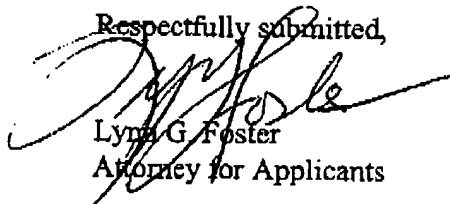
AMENDMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 22, 2005, the judicially created non-statutory double patenting rejection is overcome by the Terminal Disclaimer document transmitted herewith.

The double patenting rejection having been overcome by the Terminal Disclaimer, the above-identified application is in condition for allowance and such action is courteously requested.

Respectfully submitted,



Lynn G. Foster

Attorney for Applicants

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